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HOLDCO, LLC, OPENAI INVESTMENT LLC, OPENAI STARTUP
FUND SPV I, L.P., and OPENAI STARTUP FUND SPV GP I, L.L.C.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

J. DOE 1, et al.,

Plaintiffs,

v.

GITHUB, INC., MICROSOFT
CORPORATION, OPENAI, INC., et al.,

Defendants.

Case No. 4:22-cv-06823-JST
Case No. 4:22-cv-07074-JST

Hon. Jon S. Tigar

**OPENAI DEFENDANTS' NOTICE OF
SUPPLEMENTAL AUTHORITY
RELEVANT TO THE JOINT
DISCOVERY LETTER (ECF NO. 248)**

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1 Pursuant to Local Rule 7-3(d), Defendants OpenAI, Inc., OpenAI, L.P., OpenAI OpCo,
2 L.L.C., OpenAI GP, L.L.C., OpenAI Startup Fund GP I, L.L.C., OpenAI Startup Fund I, L.P.,
3 OpenAI Startup Fund Management, LLC, OpenAI, L.L.C., OpenAI Global, LLC, OAI
4 Corporation, OpenAI Holdings, LLC, OpenAI HoldCo, LLC, OpenAI Investment LLC, OpenAI
5 Startup Fund SPV I, L.P., and OpenAI Startup Fund SPV GP I, L.L.C. (“OpenAI Defendants”)
6 hereby notify the Court of additional authority relevant to the Parties’ joint discovery letter filed
7 on April 18, 2024 (ECF No. 248). On May 14, 2024, the United States District Court for the
8 Northern District of California issued an order denying Plaintiffs’ motion to compel production of
9 documents. *In re OpenAI ChatGPT Litigation*, No. 23-cv-03223-AMO (RMI), ECF No. 140
10 (N.D. Cal. May 14, 2024). The Court denied Plaintiffs’ request to compel production of “all
11 documents and communications that were produced by the defendants in *Authors Guild et al. v.*
12 *OpenAI Inc. et al.*, No. 1:23-cv-8292 (S.D.N.Y.)” because “Plaintiffs [had] not even identified or
13 described any documents or communications (or even any categories of documents or
14 communications) that have been produced in *Authors Guild* but not produced in this case – let
15 alone established their relevance and proportionality to the claims and defenses in this case.” *Id.*
16 at 1, 3. The Court found that Plaintiffs’ “failure to identify or describe the allegedly missing
17 discovery that Plaintiffs wish to compel is demonstrative of the fact that they have not met their
18 burden of showing relevance and proportionality.” *Id.* at 2. Further, the Court explained that
19 “Rule 37 requires that Plaintiffs identify specific discovery requests at issue in their motion,”
20 rather than simply moving to compel “all documents and communications” produced in another
21 matter. *Id.* A true and correct copy of the decision is attached as **Exhibit A**.

1 Dated: June 27, 2024

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3 By: /s/ Allyson R. Bennett
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